

**CITY OF SHOREVIEW  
MINUTES  
REGULAR CITY COUNCIL  
October 3, 2011**

**CALL TO ORDER**

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on October 3, 2011.

**PLEDGE OF ALLEGIANCE**

The meeting opened with the Pledge of Allegiance.

**ROLL CALL**

The following members were present: Mayor Martin; Councilmembers Huffman, Quigley, Wickstrom and Withhart.

**APPROVAL OF AGENDA**

MOTION: by Councilmember Wickstrom, seconded by Councilmember Withhart to approve the October 3, 2011 agenda as submitted.

VOTE: Ayes - 5 Nays - 0

**PROCLAMATIONS AND RECOGNITIONS**

**Ramsey County Sheriff Matt Bostrom** stated that it is his goal to touch base with the City at least once a year and listen to any questions or concerns. Sheriff Bostrom described his background and stated that the ability to deliver good public service needs to be on a regional approach. No city can respond to major disasters on its own. The regional face of public response is at the county level, which is why he decided to run for Sheriff. What does the Sheriff's office do? The statute lays out duties: 1) safe detention until court appearance; 2) deal with court issues, such as serving as bailiffs and serving court documents; 3) serve as full police department for seven communities in Ramsey County; 4) manage all waterways, which is 18 miles of Mississippi River and 32 lakes in the county; 5) management of warrants. The Sheriff's office is the ligament between a number of entities--local police departments, courts, DNR.

How are these tasks accomplished? The Sheriff's office works with neighborhoods and invites residents to participate in solutions. Collaboration is the focus, not competition. The Sheriff's Department budget is taxpayer money, and it is important to make sure it is honored to provide the best public safety possible. Staff development is important as is recruitment from within community. Wearing the uniform does not just mean addressing issues with kids when they do wrong but to be along side them when they are doing things right, so that positive behavior is re-enforced.

Recent accomplishments include an updated operating manual to guide all activities based on national standards. It is available to all employees. Work has been done with the communication center, especially to reach those with disabilities with pre-arrival instructions for those with medical calls. His goal is for the public to see his deputies as the “best of the best”.

Councilmember Huffman welcomed Sheriff Bostrom and stated that Shoreview has always had a good relationship with the Sheriff’s department and look forward to that continuing in the future. He noted that Shoreview’s per capita expense on public safety is 60% of other similar cities who have their own police departments. That is because of the excellence of the Sheriff’s Department.

Councilmember Wickstrom noted that one deputy just gave an excellent presentation to her homeowners association. She also acknowledged the loss of Barbara Russo, a member of the Sheriff’s Department staff. Sheriff Bostrom stated that Barb coordinated volunteers and is a big loss. Ramsey County is rich with hundreds of volunteers.

Councilmember Quigley stated that the Sheriff’s Department coordinates well with the Fire Department and Allina. All three show up on emergency calls. There has been a question of why in a time of economic hardship, but this is one reason Shoreview is rated so highly in public safety.

Mayor Martin noted that the recent community survey shows more than 95% satisfaction on public safety. Staff will share the details of those answers with the Sheriff’s Department, which reflects on the Department’s work. She is pleased the City works with Ramsey County Sheriff Department for police protection because of the cost-effective training that is provided through County deputies. It is much more difficult for small cities to provide that kind of high skill training on their own.

Sheriff Bostrom indicated that he would be interested to see the survey results and try to beat the 95% number. He noted a trend for active shootings have occurred most recently in schools, courthouses and government meetings in suburbs. The Department has had training in this critical area. His goal is to support effective public safety in all communities.

Mayor Martin thanked Sheriff Bostrom for his time and for answering questions.

### **CITIZEN COMMENTS**

There were none.

### **COUNCIL COMMENTS**

#### **Mayor Martin:**

October is Breast Cancer Awareness Month. Everyone is encouraged to call sisters, mothers, grandmothers and friends and tell them to have mammograms.

On Saturday, October 8, 2011, the Fire Department will hold an Open House at Station No. 3 from 11 am to 2 pm.

Also, on October 8, 2011, there will be a Kids' Garage Sale and Touch a Truck event at the Community Center from 9:00 a.m. to Noon. Trucks and snow plows will be available for kids to climb on and view.

**Councilmember Huffman:**

Attended a Yellow Ribbon event which turned out very well. He thanked all volunteers who are working on this project.

**Councilmember Withhart:**

On Thursday evening, October 6, 2011, the City will hold a Volunteer Recognition event at the Community Center for City volunteers.

**Councilmember Wickstrom:**

Anyone interested in participating in the Yellow Ribbon project is welcome and encouraged to attend the next meeting on Thursday, October 20, 2011, at Roseville City Hall at 7:00 p.m. There is a group to be deployed from Arden Hills in November so there are many service opportunities to help families who will be left behind. For more information, please contact Councilmember Wickstrom.

On October 27, 2011, the Ramsey County League of Local Governments will hold a special meeting with the Metropolitan Council representatives in Ramsey County. The meeting will be at 7:00 p.m. at Maplewood City Hall.

**Councilmember Quigley:**

Asked Councilmember Wickstrom when the League of Women Voters plans to hold a session with school board candidates. Councilmember Wickstrom responded that it will be in New Brighton. Meeting information will be posted on CTV.

**CONSENT AGENDA**

Councilmember Wickstrom made the following corrections to minutes:

September 13, 2011 workshop meeting minutes:

Page 3: The word sing should be sign regarding the McGuire purchase agreement.

September 19, 2011 - City Council Meeting Minutes:

Page 2, top after Justine Green drop the word "for" at the end of the phrase.

Page 2, after Kathryn Keefer change "to stabilize" to "on the bank" leading... .

MOTION: by Councilmember Withhart, seconded by Councilmember Huffman to approve the Consent Agenda and all relevant resolutions with the noted corrections to the September 12, 2011 workshop meeting minutes and September 19, 2011 City Council meeting minutes:

1. September 12, 2011 City Council Workshop Meeting Minutes, as amended
2. September 19, 2011 City Council Meeting Minutes, as amended
3. Receipt of Committee/Commission Minutes:
  - Economic Development Commission, August 16, 2011
  - Planning Commission, August 23, 2011
  - Human Rights Commission, August 24, 2011
  - Environmental Quality Committee, September 26, 2011
4. Verified Claims in the Amount of \$610,028.87
5. Purchases
6. Resolution Calling for Public Hearing on Proposed Subsidy for Stonehenge USA (DPS-Shoreview, LLC)
7. Approval of Special Event Liquor License - St. Odilia Church
8. Approval of Final Payment - 2011 Street Light Replacement, CP 11-07
9. Developer Escrow Reduction
10. Acceptance of Bid - Sanitary Sewer Lift Station Improvements, CP 10-02
11. Award of Quote - Portable Restroom Enclosures

VOTE:           Ayes - 5                           Nays - 0

## **PUBLIC HEARING**

### **AMENDMENT OF ENABLING RESOLUTION FOR THE ECONOMIC DEVELOPMENT AUTHORITY RELATING TO BOARD MEMBERSHIP REQUIREMENTS**

#### **Presentation by Asst. City Manager/Community Development Director Tom Simonson**

The Economic Development Authority (EDA) recommends an amendment to expand the eligibility requirements of those who may serve on its Board. The EDA was established in 2008, with a 5-member Board--3 members from the City Council and 2 members from the Economic Development Commission (EDC). Two members have recently resigned. The EDA is interested in broadening its membership. The goals and initiatives of the EDA include economic development and housing programs. The Board would benefit from members with a housing background. There is also consensus to maintain the link between the EDA and EDC with at least one member of the EDC continuing to serve on the EDA Board. State law requires a public hearing to amend the Enabling Resolution and By-Laws. The public hearing notice was published for two weeks in the City's legal newspaper. The amendment would maintain a five-member Board with three members from the City Council but add that: "two members who are: either residents of the City of Shoreview or work in, own, or operate a business within the City limits of Shoreview, including individuals who may currently be serving on another City

sponsored advisory committee or commission.” The EDA is recommending the public hearing and consideration of this amendment.

Mayor Martin opened the public hearing for public comment.

**Mr. Robert Higgins**, 951 Oakridge, asked why there is a need for an EDA, Planning Commission and Building Inspector. Councilmember Huffman answered that the EDA was created to focus on growing and keeping businesses in Shoreview. With the current economic environment, the EDA is also addressing the question of how homeowners can reinvest in their property and avoid foreclosure. No staff has been added for the EDA. Any property that is in foreclosure puts a big hit on the value of nearby properties. PaRSystems is located in Shoreview because of the work the EDA has done.

Mayor Martin stated that the Planning Commission provides a valuable means for citizens to give input on how the community is developed.

**Mr. Higgins** responded that the City is built out. He said that Tanglewood Drive was rebuilt five years ago and now is being repaired again. The new maintenance garage was not needed. Mayor Martin said Shoreview is a city that is well managed and does not spend money on unnecessary things. Mr. Schwerm stated that Tanglewood reconstruction is about 20 years old and now is being resurfaced.

**MOTION:** by Councilmember Wickstrom, seconded by Councilmember Huffman, to close the public hearing in consideration of the amendment to the Enabling Resolution and By-Laws of the Shoreview Economic Development Authority.

**VOTE:** Ayes - 5                      Nays - 0

Mayor Martin closed the public hearing at 7:38 p.m.

**MOTION:** by Councilmember Withhart, seconded by Councilmember Wickstrom to adopt Resolution No. 11-72, amending the Enabling Resolution and By-Laws as it relates to membership requirements for serving on the Shoreview Economic Development Authority.

**ROLL CALL:** Ayes: Huffman, Quigley, Wickstrom, Withhart, Martin  
Nays: None

Mayor Martin noted that the City is soliciting applications for both the EDC and EDA. The EDC deadline is October 21, 2011; the deadline for EDA is November 1, 2011. Applicants may apply for one and/or both.

**PUBLIC HEARING - PLANNED UNIT DEVELOPMENT - DEVELOPMENT  
STAGE/REZONING/PRELIMINARY PLAT/COMPREHENSIVE SIGN REVIEW**

**Presentation by City Planner Kathleen Nordine**

Four applications have been submitted: 1) rezone from Urban Underdeveloped (UND) to Planned Unit Development (PUD); 2) preliminary plat to subdivide the property into four parcels; 3) PUD Development Stage review; and 4) Comprehensive Sign Plan. The property consists of 6.6 acres. Adjacent land uses are commercial with Target and Wendy's, and Island Lake Golf Course owned by Ramsey County.

**Rezoning**

The proposal is to develop a mixed use retail center. The first phase would be a retail center of 10,034 square feet in size with multi tenants; the second phase would be for a specialty market of 14,000 square feet; and the third phase would be a commercial building of 3,800 square feet. This development would begin this fall. The PUD zoning is requested with underlying zoning of C2. The City Comprehensive Plan designates this site for commercial use. Therefore, this application is consistent. Surrounding land uses are commercial in nature so there would be no adverse impact to adjacent property.

**Preliminary Plat**

The property would be subdivided into four new parcels, which would comply with City standards. The development would occur on three lots, and the fourth lot, Outlot A, would be used for storm water ponding. An easement over an existing water main will need to be vacated, as the water main will be moved and a new easement required. A cul-de-sac terminus would be dedicated for Red Fox Road and an additional 10 feet on the north side for future road improvements.

**PUD**

Deviations from City Code are being requested to allow flexibility from development standards in exchange for higher quality development. The proposal shows shared infrastructure for the entire development, which includes parking, lot areas, utilities and storm water management. The parking shown complies with City requirements, but additional proof of parking area is shown on the back side of the building adjacent to MnDOT's right-of-way. A setback reduction on Lot 3 for a potential future drive-through facility is requested. Should this drive-through canopy be built, a setback of 22 feet is proposed rather than the required 30 feet. Wetland on Lot 3 forces the buildable area to the north. Therefore, staff believes this change is justified. Parking would be built as needed in additional phases of development. The proposed structures on Lots 1 and 2 comply with City setback standards. A setback of 20 feet is required for all parking. A setback of 15 feet is proposed on Lot 1 and 5 feet on Lots 2 and 3 to accommodate the additional 10 feet of right-of-way for Red Fox Road. Staff believes this is reasonable due to the proximity to I-694.

Benefits that would be derived from the requested deviations include a coordinated development with shared infrastructure; architectural enhancements to the buildings; and use of sustainable practices to preserve open space on the east side, preserve and protect wetland and wooded areas, and use of water efficient facilities for all the sites.

The wetland to the east will be preserved. The woodland will be used for storm water ponding, but the trees to be removed are not of high quality. Some wooded area will remain east of the pond. Significant grading is not needed, except for the storm water ponding. This is not a designated flood plain area. Overflow from the storm water pond is to the Mn/DOT drainage area and requires a permit. A conditional permit has been granted by the Rice Creek Watershed District.

Future sites would go through the Site Plan Review process to be sure of consistency with the approved PUD. The retail center, Phase 1, is a one-story building facing Red Fox Road. The building complies with all design standards and incorporates sustainable practices of water conservation and indoor environmental quality.

A traffic study was done in 2010, which determined that current road improvements are adequate for the proposed development. However, during peak hours the intersection of Red Fox Road and Lexington is congested, and staff is requesting that the developer participate in further discussion of future improvements to the roadway and additional right-of-way as part of the plat.

### **Comprehensive Sign Plan**

The application is for two free-standing signs--a monument sign on Red Fox Road and a pylon sign on I-694. Both signs comply with City standards. Wall signs are proposed for the retail center and do comply with the City ordinance. The number of signs (16) proposed exceeds the maximum number permitted, as wall signs are requested for the rear of buildings facing I-694. The sign package is consistent with other double-frontage retail center properties.

An existing billboard will be moved to the east. This matter is addressed in the Development Agreement.

Property owners within 350 feet were notified of the applications. No comments were received. The Lake Johanna Fire Department did submit comments. Ramsey County Parks has submitted comments of concern about Red Fox Road and screening requirements they would like to see for the golf course. Mn/DOT has also submitted comments of requirements necessary.

The Planning Commission has reviewed the proposal and recommends approval with a 5 to 2 vote. Concerns expressed relate to public notification. The legal requirement was met, but some Planning Commissioners felt signage of rezoning should have been posted on the property. That has been done. No responses have been received since posting of the sign. Commissioners also expressed concerns about signage and the ability to maintain consistency with different styles of business logo signs. The developer has provided photos from other developments. Staff believes the sign plan meets the needs of the City and needs of the retail market. Because formal approvals had not been received from Mn/DOT or the Rice Creek Watershed District (RCWD),

some Commissioners were hesitant to approve the drainage plan. Since the Planning Commission meeting, conditional approval has been given by RCWD, and comments have been received from Mn/DOT. The last concern was for the congested traffic at the intersection of Red Fox Road and Lexington and that those issues be addressed.

Staff believes the applications comply with City standards and ordinances and is an efficient use of the site. There will be less land disturbance and preservation of more open space. A higher architectural design will be used. Additional retail services will be brought to the community, as well as employment opportunities. Staff is recommending approval subject to the conditions listed in the staff report.

Councilmember Huffman stated that the EDA has discussed this development many times and is excited about this development. He asked the reason for the screening for the golf course. Ms. Nordine stated that the concern is the visual impact of this development to the golf course property, including Hole 1. Mr. Schwerm stated that when the site plan for that property is reviewed, that issue can be better addressed.

Mayor Martin stated that she was reassured as to traffic because the entrance to the retail center is further east than Wendy's. However, a turn lane may be needed as well as perhaps blocking turns north after turning onto Red Fox Road. Mr. Schwerm stated that staff is analyzing what measures will be needed for better traffic flow on Red Fox Road.

Councilmember Withhart stated that with double-frontage, it is important that dumpsters be screened adequately. Ms. Nordine showed an illustration of the enclosed dumpster area at the rear of the retail center for the businesses in the retail center.

Councilmember Wickstrom stated that she would like to see more patio space to attract more restaurants. One is on the west, but she would also like to see one on the east. Ms. Nordine stated that the developer has indicated opportunity for outside seating areas depending on the tenants. Councilmember Wickstrom stated that the patios should be put in regardless of tenants because tenants do move and change over. Restaurants are continuously listed by residents as a need in Shoreview, and everything possible should be done to encourage location of more restaurants in the City. Outdoor seating would be attractive. She asked if a sidewalk would be possible on the north side for pedestrian access. Mr. Simonson stated that the City is planning road improvements. All property owners would be involved. He would not want to obligate the developer to put in the sidewalk, but that is one of the reasons for taking additional right-of-way.

Chair Feldsien, Planning Commission, reported that the Commission did not vote unanimously on this matter. One issue was drainage, which has been addressed. The main issue was signage. Some of the frustration was to see more detail of graphics. There was concern about signage being uniform throughout the development. There was also an issue about requiring the developer to only participate in road improvement discussions but not required to make road improvements.



Councilmember Withhart stated that businesses have their own color scheme for signs that the public looks for. Councilmember Wickstrom agreed. People look for the logo to find a business.

Mayor Martin added that it is important for signage on the north side for visibility on I-694, even though it exceeds the maximum allowed.

Chair Feldsien stated that the Planning Commission has mixed feelings. On the one hand, the Commission would like to see consistency with signage as stated in the Code. On the other hand, the Planning Commission is asked to change in order to accommodate different signs and logos of different businesses that do not conform to the Code.

Mayor Martin stated that it is her hope that efficient entry doors are planned to avoid the retrofitting needed in Rosedale.

**Mr. Dave Carland**, Stonehenge Development, introduced Randy Rowding, also with Stonehenge Development, 18258 Minnetonka Boulevard, Deephaven. Regarding the roadway, he stated that Stonehenge wants to be part of the solution. There is no point to building a development without good access. There is a common enclosed trash area for the tenants. There will be leases with the tenants that will cover trash removal, recycling. All will be done with one carrier. There will be a minimum of two restaurants. One will be on the west end with outdoor seating. Additional outdoor seating can be put in but will be at the expense of some parking or landscaping. The restaurants will be fast casual, not drive throughs.

**Mr. Rowding** stated that landscaping trees have been added that provide screening from Hole 1 on the golf course.

**Mr. Carland** added that Stonehenge is happy to provide a set of plans to neighboring businesses. Entryways will be double doors as required in this climate. The signs will be consistent in uniformity of size and containment within a sign band. The goal is for class A rental tenants. It has to be a crisp look, but there will be some color and diversity in signage for individual tenants.

Councilmember Huffman asked how Lots 1 and 3 will flow with the retail center development. Mr. Carland stated that there will be detailed reciprocal easement agreements for parking. The infrastructure built now will be a coordinated effort that will serve Lots 1 and 3. The lot furthest east is being retained by City County Credit Union for a potential branch facility. He is not in a position to publicly disclose tenants at this time.

**MOTION:** by Councilmember Quigley, seconded by Councilmember Huffman to approve the development applications, including adoption of Ordinance No. 886, submitted by DPS-Shoreview, LLC, for a phased mix-use retail development consisting of a 10,034 square foot retail center, 14,000 square foot market (grocery), and a 3,800 square foot commercial building located on Red Fox Road, east of Lexington Avenue, subject to the following conditions:

**Rezoning**

1. This approval rezones the property from UND, Urban Underdeveloped, to PUD, Planned Unit Development with an underlying zone of C-2, General Commercial.
2. Rezoning is not effective until approvals are received for the Final Plat, PUD - Final Stage and development agreements executed.

**Preliminary Plat**

1. A public use dedication fee shall be submitted as required by ordinance prior to release of the final plat by the City.
2. The final plat shall include drainage and utility easements along the property lines and over wetland and ponding areas, including the wetland buffer. Drainage and utility easements along the roadways shall be 10 feet wide and along the side lot lines these easements shall be 5 feet wide and as required by the Public Works Director. Easements shall be vacated as needed.
3. Private agreements shall be secured between the parcels in the subdivision regarding joint driveway, parking, stormwater, utility and maintenance agreements. Said agreements shall be submitted to the City Attorney for review and approval prior to the City's release of the Final Plat.
4. The Developer shall create an Association for all property owners in this plat. The Association documents (articles of incorporation, bylaws, rules and regulations, replacement reserve study and covenants) shall be reviewed and approved by the City Attorney prior to recording and shall address the use/maintenance of all shared infrastructure including driveways, parking areas, stormwater infrastructure and other utilities.
5. Executed and recorded copies of the required agreements and association documents shall be submitted to the City prior to the issuance of a building permit.
6. Additional right-of-way for Red Fox Road shall be provided with the plat as required by the Public Works Director.
7. The Final Plat shall be submitted to the City for approval with the Final Stage PUD application.

**Planned Unit Development - Development Stage**

1. This approval permits the development of these parcels with a mixed-use retail center consisting of a 10,034 square foot retail center, 14,000 square foot market (grocery), and a 3,800 square foot commercial building.
2. Private agreements shall be secured between the parcels in the PUD regarding joint driveway, parking, stormwater, utility and maintenance agreements. Said agreements shall be submitted to the City Attorney for review and approval prior to the City's review of the Final Stage PUD plans and Final Plat.
3. The items identified in the memo from the Assistant City Engineer/Public Works Director shall be addressed prior to the City's review of the Final Stage PUD plans and Final Plat.
4. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director, prior to submittal to the City of applications for Final Plat and PUD - Final Stage. Final plans shall identify site construction limits and the treatment of work (i.e., driveways, parking areas, grading, etc.) at the periphery of these construction limits.

5. The applicant shall obtain permits from Rice Creek Watershed District, Minnesota Department of Transportation prior to the City's issuance of a grading permit or building permit.
6. The applicant shall create a Property Owners' Association for the project. The applicant and all subsequent property owners shall be a party to the Association required as part of this plat. The Property Owners' Association documents (articles of incorporation, bylaws, rules and regulations, replacement reserve study and covenants) shall be reviewed and approved by the City Attorney prior to recording and shall include the following:
  - a. The Property Owners' Association shall maintain landscaping/screening and maintenance shall be consistent with the approved landscaping plan, stormwater management infrastructure and parking.
  - b. Membership in the Property Owners' Association must be mandatory for each property owner and any successive buyer of all units. The dues for such membership must be established to adequately meet the expenses of maintenance and fulfillment of all responsibilities of the Association as set forth in this agreement.
7. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project. The Development Agreement shall address:
  - a. Construction management and nuisances that may occur during the construction process.
  - b. Phasing of the development
  - c. Landscape maintenance
  - d. Tree preservation and replacement
  - e. Wetland buffer protection
  - f. Billboard signage
8. This approval shall expire after two months if the Planned Unit Development - Final Stage application has not been submitted for City review and approval, as per Section 203.060 (C)(6).
9. The items identified in the memo from the Assistant City Engineer/Public Works Director must be addressed prior to the City's review of the Final Stage PUD plans and Final Plat.
10. The applicant shall continue to work with the property owner and City regarding the removal/relocation of the billboard.

### **Comprehensive Sign Plan**

1. The signs shall comply with the plans submitted for the Comprehensive Sign Plan application. Any significant change will require review by the Planning Commission and City Council.
2. The applicant shall obtain a sign permit prior to the installation or refacing of any signs on the property.
3. Any temporary signs must be affixed to the principal building. Temporary business signs must be associated with a temporary promotional sale and shall be in place for a maximum of 7 days. No more than two temporary business signs are permitted per year (excludes window signs). A permit shall be obtained prior to installing any temporary signs.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated commercial land use in the Comprehensive Plan.
2. The proposal complies with the City's rezoning criteria.
3. The proposal complies with the City's criteria for Planned Unit Developments. Flexibility from the City's Development Code results in a higher quality development that provides benefits through the more efficient use of infrastructure, less land disturbance and retain some open space. The proposal will benefit the City as a whole by providing additional retail services and employment opportunities.
4. The proposed deviations from the City's Sign Code are reasonable based on the commercial land use, site location and characteristics.

Discussion:

Councilmember Huffman noted that there are two conditions under Rezoning, not four as stated by Councilmember Quigley.

ROLL CALL:           Ayes: Quigley, Wickstrom, Withhart, Huffman, Martin  
                              Nays: None

### **ADJOURNMENT**

MOTION:     by Councilmember Withhart, seconded by Councilmember Huffman to adjourn the meeting at 8:35 p.m.

VOTE:                Ayes - 5                   Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 17<sup>TH</sup> DAY OF OCTOBER 2011.

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Terry C. Schwerm  
City Manager